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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,663	10/24/2003	Anjali Abhimanyu Patil	Rev 02-26	9947

7590 10/10/2006

Revlon Consumer Products Corporation  
Law Department  
237 Park Avenue  
New York, NY 10017

EXAMINER
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MERCIER, MELISSA S

ART UNIT	PAPER NUMBER
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1615

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/692,663

Applicant(s)

PATIL ET AL.

Examiner

Melissa S. Mercier

Art Unit

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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## **DETAILED ACTION**

### ***Election/Restrictions***

This application contains claims directed to the following patentably distinct species:

#### **I. First Film Forming Silicone Resin**

A. T

B. MT

C. MQ

**If A is elected, applicant is further required to elect:**

**Type of T resin:**

1. comprising alkoxy groups
2. comprising hydroxyl groups

**If C is elected, applicant is further required to elect:**

**Identification of R<sub>1</sub>:**

1. C<sub>1-30</sub> straight alkyl
2. C<sub>1-30</sub> branched alkyl
3. C<sub>1-30</sub> straight phenyl
4. C<sub>1-30</sub> branched phenyl
5. methyl

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**Identification of R<sub>2</sub>:**

1. C<sub>1-30</sub> straight alkyl
2. C<sub>1-30</sub> branched alkyl
3. C<sub>1-30</sub> straight phenyl
4. C<sub>1-30</sub> branched phenyl
5. methyl

**Identification of R<sub>3</sub>:**

1. C<sub>1-30</sub> straight alkyl
2. C<sub>1-30</sub> branched alkyl
3. C<sub>1-30</sub> straight phenyl
4. C<sub>1-30</sub> branched phenyl
5. methyl

**Identification of X and Y:**

1 to 1 million.

**Type of Function Group:**

1. alkoxy
2. hydroxyl

**II. Second Film Forming polymer:**

A. M with ethylenically unsaturated monomer

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- B. M with amide
- C. M with urethane
- D. D with ethylenically unsaturated monomer
- E. M with amide
- F. M with urethane
- G. T with ethylenically unsaturated monomer
- H. T with amide
- I. T with urethane

**If A, D, or G is elected, applicant is further required to elect:**

**Identification of R<sub>1</sub>:**

- 1. H
- 2. halogen
- 3. hydroxyl
- 4. fluoroalkyl
- 5. C<sub>1-30</sub> straight alkyl
- 6. C<sub>1-30</sub> branched alkyl
- 7. C<sub>1-30</sub> straight aryl
- 8. C<sub>1-30</sub> branched aryl
- 9. C<sub>1-30</sub> straight aralkyl
- 10. C<sub>1-30</sub> branched aralkyl

**Identification of R<sub>2</sub>:**

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1. pyrrolidone
2. substituted aromatic
3. unsubstituted aromatic
4. substituted alicyclic
5. unsubstituted alicyclic
6. substituted bicyclic
7. unsubstituted bicyclic

**If R<sub>2</sub> is elected to be 2, 4, or 6, Applicant is further required to elect:**

**Identification of substituents:**

- a. C<sub>1-30</sub> straight alkyl
- b. C<sub>1-30</sub> branched alkyl
- c. COOM
- d. OCOM

**If c or d is elected, Applicant is further required to elect:**

**Identification of M:**

- aa. C<sub>1-30</sub> straight alkyl
- bb. C<sub>1-30</sub> branched alkyl
- cc. pyrrolidone
- dd. substituted aromatic
- ee. unsubstituted aromatic
- ff. substituted alicyclic

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gg. unsubstituted alicyclic

hh. substituted bicyclic

ii. unsubstituted bicyclic

**If dd, ff, or hh is elected, Applicant is further required to elect:**

**Identification of substituents:**

Aaa. C<sub>1-30</sub> straight alkyl

Bbb. C<sub>1-30</sub> branched alkyl

The species are independent or distinct because each species can form a separate and distinct composition with different chemical properties.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, Claim 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR

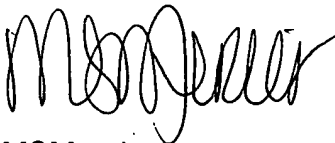
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1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa S. Mercier whose telephone number is (571) 272-9039. The examiner can normally be reached on 7:30am-4pm Mon through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on (571) 272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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